

HOUSE BILL 38

F1

(11r0311)

ENROLLED BILL

— *Ways and Means/Education, Health, and Environmental Affairs* —

Introduced by **Delegates Waldstreicher, Branch, Cardin, Dumais, Feldman, Frick, Hixson, Howard, Kaiser, Kipke, Luedtke, A. Miller, Myers, Rosenberg, Ross, Stein, Summers, Tarrant, V. Turner, and Walker**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Nonpublic Schools ~~Accepting State Funds~~ Participating in State-Funded**
3 **Education Programs – Bullying, Harassment, and Intimidation – Policies**

4 FOR the purpose of requiring nonpublic schools that ~~accept State funds~~ participate in
5 State-funded education programs to adopt a policy prohibiting bullying,
6 harassment, and intimidation by a certain date; requiring the policy to include
7 certain provisions; encouraging a nonpublic school to develop the policy in
8 consultation with certain groups; encouraging a nonpublic school to publicize
9 the policy in a certain manner; encouraging a nonpublic school to develop
10 certain educational programs in its efforts to prevent bullying, harassment, and
11 intimidation; providing that certain nonpublic school employees who report acts
12 of bullying, harassment, or intimidation are not civilly liable under certain
13 circumstances; providing that this Act may not be construed to limit the legal

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



rights of a victim of bullying, harassment, or intimidation, *or to require a certain statewide policy*; defining certain terms; and generally relating to policies prohibiting bullying, harassment, and intimidation in nonpublic schools that ~~accept State funds~~ participate in State-funded education programs.

BY adding to

Article – Education

Section 7–424.3

Annotated Code of Maryland

(2008 Replacement Volume and 2010 Supplement)

Preamble

WHEREAS, The National Institutes of Health reports that bullying affects more than 5 million students in grades 6 through 11; and

WHEREAS, According to the United States Department of Health and Human Services, bullies identified by age 8 are six times more likely to have criminal convictions by age 24; and

WHEREAS, The increased use of the Internet by students is presenting new challenges regarding bullying in schools; and

WHEREAS, Bullying may lead to an increase in absenteeism or the dropout rate; and

WHEREAS, Maintaining a safe environment in schools is integral to promoting learning and success in students; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Education

7–424.3.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “BULLYING, HARASSMENT, AND INTIMIDATION” MEANS ANY INTENTIONAL WRITTEN, VERBAL, OR PHYSICAL ACT, INCLUDING AN ELECTRONIC COMMUNICATION, THAT:

(I) 1. PHYSICALLY HARMS AN INDIVIDUAL;

2. DAMAGES AN INDIVIDUAL’S PROPERTY;

1 **3. SUBSTANTIALLY INTERFERES WITH AN**
2 **INDIVIDUAL'S EDUCATION OR LEARNING ENVIRONMENT; OR**

3 **4. PLACES AN INDIVIDUAL IN REASONABLE FEAR OF**
4 **HARM TO THE INDIVIDUAL'S PERSON OR PROPERTY; AND**

5 **(II) 1. OCCURS ON SCHOOL PROPERTY, AT A SCHOOL**
6 **ACTIVITY OR EVENT, OR ON A SCHOOL BUS; OR**

7 **2. SUBSTANTIALLY DISRUPTS THE ORDERLY**
8 **OPERATION OF A SCHOOL.**

9 **(3) "ELECTRONIC COMMUNICATION" MEANS A COMMUNICATION**
10 **TRANSMITTED BY MEANS OF AN ELECTRONIC DEVICE, INCLUDING A**
11 **TELEPHONE, CELLULAR PHONE, COMPUTER, OR PAGER.**

12 **(4) "NONPUBLIC SCHOOL" MEANS A NONPUBLIC SCHOOL THAT**
13 **ACCEPTS STATE FUNDS PARTICIPATES IN STATE-FUNDED EDUCATION**
14 **PROGRAMS.**

15 **(5) "STANDARD" MEANS WITHIN EACH SCHOOL.**

16 **(B) BY MARCH 31, 2012, EACH NONPUBLIC SCHOOL SHALL ADOPT A**
17 **POLICY PROHIBITING BULLYING, HARASSMENT, AND INTIMIDATION.**

18 **(C) THE POLICY ADOPTED UNDER SUBSECTION (B) OF THIS SECTION**
19 **SHALL INCLUDE:**

20 **(1) A STATEMENT PROHIBITING BULLYING, HARASSMENT, AND**
21 **INTIMIDATION IN THE SCHOOL;**

22 **(2) A STATEMENT PROHIBITING REPRISAL OR RETALIATION**
23 **AGAINST INDIVIDUALS WHO REPORT ACTS OF BULLYING, HARASSMENT, OR**
24 **INTIMIDATION;**

25 **(3) A DEFINITION OF BULLYING, HARASSMENT, AND**
26 **INTIMIDATION THAT IS EITHER THE SAME AS SET FORTH IN SUBSECTION (A) OF**
27 **THIS SECTION OR A DEFINITION THAT IS NOT LESS INCLUSIVE THAN THAT**
28 **DEFINITION;**

29 **(4) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**
30 **PERSONS COMMITTING ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION**
31 **AND FOR PERSONS ENGAGED IN REPRISAL OR RETALIATION, INCLUDING:**

1 **(I) SPECIFIC PENALTIES FOR PERSONS WHO REPEATEDLY**
2 **COMMIT ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION; AND**

3 **(II) A REQUIREMENT THAT PERSONS WHO COMMIT ACTS OF**
4 **BULLYING, HARASSMENT, OR INTIMIDATION RECEIVE EDUCATIONAL AND**
5 **THERAPEUTIC SERVICES CONCERNING BULLYING PREVENTION;**

6 **(5) STANDARD CONSEQUENCES AND REMEDIAL ACTIONS FOR**
7 **PERSONS FOUND TO HAVE MADE FALSE ACCUSATIONS;**

8 **(6) STANDARD PROCEDURES FOR REPORTING ACTS OF**
9 **BULLYING, HARASSMENT, OR INTIMIDATION, INCLUDING A CHAIN OF COMMAND**
10 **IN THE REPORTING PROCESS;**

11 **(7) STANDARD PROCEDURES FOR THE PROMPT INVESTIGATION**
12 **OF ACTS OF BULLYING, HARASSMENT, OR INTIMIDATION;**

13 **(8) STANDARD PROCEDURES FOR PROTECTING VICTIMS OF**
14 **BULLYING, HARASSMENT, OR INTIMIDATION FROM ADDITIONAL ACTS OF**
15 **BULLYING, HARASSMENT, OR INTIMIDATION, AND FROM RETALIATION; AND**

16 **(9) INFORMATION ABOUT THE TYPES OF SUPPORT SERVICES**
17 **AVAILABLE TO A STUDENT BULLY OR VICTIM AND ANY BYSTANDERS.**

18 **(D) A NONPUBLIC SCHOOL IS ENCOURAGED TO DEVELOP THE POLICY**
19 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN CONSULTATION WITH**
20 **THE FOLLOWING GROUPS:**

21 **(1) PARENTS OR GUARDIANS OF STUDENTS;**

22 **(2) SCHOOL EMPLOYEES AND ADMINISTRATORS;**

23 **(3) SCHOOL VOLUNTEERS; AND**

24 **(4) STUDENTS.**

25 **(E) A NONPUBLIC SCHOOL IS ENCOURAGED TO PUBLICIZE THE POLICY**
26 **ADOPTED UNDER SUBSECTION (B) OF THIS SECTION IN STUDENT HANDBOOKS,**
27 **ON THE SCHOOL'S WEBSITE, AND ANY OTHER LOCATION OR VENUE THE SCHOOL**
28 **DETERMINES IS NECESSARY OR APPROPRIATE.**

1 (F) A NONPUBLIC SCHOOL IS ENCOURAGED TO DEVELOP THE
2 FOLLOWING EDUCATIONAL PROGRAMS IN ITS EFFORTS TO PREVENT BULLYING,
3 HARASSMENT, AND INTIMIDATION:

4 (1) AN EDUCATIONAL BULLYING, HARASSMENT, AND
5 INTIMIDATION PREVENTION PROGRAM FOR STUDENTS, STAFF, VOLUNTEERS,
6 AND PARENTS; AND

7 (2) A TEACHER AND ADMINISTRATOR DEVELOPMENT PROGRAM
8 THAT TRAINS TEACHERS AND ADMINISTRATORS TO IMPLEMENT THE POLICY
9 ADOPTED UNDER SUBSECTION (B) OF THIS SECTION.

10 (G) AN EMPLOYEE OF A NONPUBLIC SCHOOL WHO REPORTS AN ACT OF
11 BULLYING, HARASSMENT, OR INTIMIDATION IN ACCORDANCE WITH THE
12 NONPUBLIC SCHOOL'S POLICY ADOPTED UNDER SUBSECTION (B) OF THIS
13 SECTION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION IN REPORTING OR
14 FAILING TO REPORT AN ACT OF BULLYING, HARASSMENT, OR INTIMIDATION IN
15 ACCORDANCE WITH THE POLICY.

16 (H) THE PROVISIONS OF THIS SECTION MAY NOT BE CONSTRUED TO:

17 (1) ~~LIMIT~~ LIMIT THE LEGAL RIGHTS OF A VICTIM OF BULLYING,
18 HARASSMENT, OR INTIMIDATION; OR

19 (2) REQUIRE A STATEWIDE POLICY IN NONPUBLIC SCHOOLS
20 RELATING TO BULLYING, HARASSMENT, AND INTIMIDATION.

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
22 July 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.